

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6054L

v.

MICHAEL BURTON,

Defendant.

Defendant has filed, *pro se*, a motion for correction of sentence. The motion is denied. The sentence that this Court imposed was partially concurrent and partially consecutive with the New York State sentence defendant is presently serving. There is no basis to correct or modify the sentence. The fact that the defendant no longer qualifies for programs relating to his state sentence does not affect the validity of this Court's sentence.

CONCLUSION

Defendant's motion for correction of sentence is in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 7, 2009.